

FEDERAL COMMUNICATIONS COMMISSION

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**MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS:** (202) 418-2730
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May 29, 2019

Mr. Edward Czelada
Smile FM
3302 N. Van Dyke
Imlay City, MI 48444

In re: WHYT(FM), Goodland Township, MI
Smile FM
Facility ID No.: 84187
BPED-20180613AAB

Dear Mr. Czelada:

This letter refers to the above-captioned minor change application, as amended on April 12, 2019, for FM Station WHYT(FM) to change from Channel 201A to Channel 201B1. The application also proposes to correct the transmitter site coordinates, change the effective radiated power and antenna height and add a directional antenna.

An engineering study has revealed that the application is in violation of the *Working Arrangement for the allotment and assignment of FM broadcasting channels under the Agreement between the Government of Canada and the Government of the United States of America relating to the FM broadcasting service* ("US/Canadian FM Broadcasting Agreement"). The proposal is short-spaced to the co-channel Class A Canadian assignment in Chatham, Ontario, Canada on Channel 201A. However, our engineering study reveals that the proposal does not meet the limitation towards the Channel 201A assignment in Chatham. Furthermore, the proposal produces an interfering (34 dBu) contour that overlaps, over Canadian soil, the 33 kilometer protected contour of Channel 201A in Chatham, Ontario in violation of the US/Canadian FM Broadcasting Agreement. This constitutes an acceptance defect.

In light of the above, Application File No. BPED-20180613AAB, as amended, is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau